

Health System Law and Policy - Laws 2159.03
Policy Formation and Reflection Exercise
Thursday, September 19, 2002

The Situation

The Premier of “Any Atlantic Canada Province” is concerned to ensure the readiness of the Province for whatever health care recommendations come forward either from the Romanow Commission or the Kirby Committee and for the federal-provincial discussions on health care reform that are sure to follow. The Premier wants to be sure that his Province has its own well considered position on the issues that are likely to be raised in the reports or in the ensuing discussions. The Premier believes that the Romanow report in particular promises a real opportunity for a better health care system and wants his Province to be a constructive participant in federal-provincial discussions and a model province in the implementation of whatever changes are agreed upon.

At the same time, the Premier is concerned about the province’s fiscal vulnerability. In particular, he is concerned that changes will be pushed that are within the fiscal capacity of the larger provinces but not of his province, that inadequate additional federal funding will be secured from Ottawa for implementation, and that the government and health care system in “Any Atlantic Canada Province” will therefore be caught in a squeeze between higher national expectations and inadequate local resources. Therefore, he wants to be sure that the province is positioned to advocate for the recommendations (or variations on them) that will restore the faith of Canadians in the health care system but that will, at the same time, be feasible and sustainable for “Any Atlantic Canada Province”.

In that context, the Premier has asked the Minister of Health to organize a series of policy forums for the discussion of some of the specific topics that the Department of Health expects to be profiled in either the Romanow or Kirby reports, or in both. Each forum is to be chaired by the Minister and is to include the list of invited stakeholders attached as Schedule “A”. Each forum is to begin with a 30 minute presentation by a panel of subject area experts, followed by a question and answer period, also of 30 minutes. The objective is to have the Minister educated not only on the thinking of the experts but also on the views, attitudes and likely reactions of stakeholders and of opinion leaders in the health care system.

The Exercise

One of the topics on which the Department of Health has decided to hold a policy forum is the question of a patients’ bill of rights. In the already published volumes of the Kirby Committee’s work and in Alberta’s “Mazankowski Report”, there have been discussions of a “care guarantee” that would assure access to services within a specified time-frame, once a treatment or test is prescribed. In addition, the Romanow Commission is known to have received submissions to the same effect and also, to have held its own discussions with experts on the same topic. It is therefore believed that a right to health care is likely to be

one of the options on the public policy agenda. Specifically, the Minister of Health has asked a panel of health care law and policy experts (that's you and your colleagues) to do a presentation that addresses the following questions (in addition to any other questions on this topic that the policy team thinks should be addressed):

- (1) Should Nova Scotia support or resist the enactment and implementation of a Patients' Bill of Rights?
- (2) If there is going to be one, what rights should it contain, how should it be administered, what should it apply to and what limitations should it contain?
- (3) Should it be one national Bill of Rights or ten provincial and three territorial instruments?

Overall, the Minister of Health is a very practical person. The Minister wants to know what a Bill of Rights will accomplish, what problems it will cause and how it would best be designed to maximize the value and minimize the problems.

How the Process Will Work

As explained in the syllabus and discussed in class, we will actually be running the above described forum four different times. We will divide into four groups of 5 (or 6) and each group will take a turn being the panel of health law and policy experts. In each round, each member of the rest of the class will be randomly assigned one of the identities from Schedule "A", in the expectation that they will try to react to the presentation in the follow-up discussion from the perspective of the assigned identity. Recognize that one of the dynamics in any such forum would be the determination of the various participants to ensure that their voice is heard!

The presentation can be structured, organized and delivered in whatever way your group decides is most effective. The decisions you make about how to communicate with your audience are as much a part of the exercise as the decisions you make about content. Feel free to let your creative juices flow!

Again, it is to be emphasized that this is not a research exercise. The knowledge you bring to the course as students of law, the materials we will have read and discussed in the course, and your discussions as a group of policy experts should give you plenty to work with in putting together a meaningful and useful presentation on the topic. If you insist on taking a research approach, it will not earn you extra marks. And any research that is undertaken must be acknowledged!

Also, as already explained and discussed, each student will be responsible for submitting their own 3-5 page reflection on the exercise (all four of the forums or just the forum in which their group presented, as students choose). This can be on the substance of the topic, on the presentation and discussion component, or both.

Again, it is not a research task but a reflection exercise. Tell me whatever you want to tell me, but all of the following are examples of the type of matters you might reflect upon: what you learned, how you learned it, and how you might apply it elsewhere; why and how the exercise did or did not work for you; what light it put on the course or the course materials; what presentation styles and techniques did or did not work; what was difficult, interesting, frustrating or revealing about the group dynamic; what new perspective or understanding did you develop about health care policy-making dynamics, or the role (and limits) of law and rights in the making and implementation of health care policy, or social policy generally, etc.

The Panels (and Opportunities for In- Class Interaction)

I will divide the class into four law and policy expert panels. I will advise you all of the make-up of the panels when we meet on September 29. From then until we have the exercise, I will look for opportunities for you to work together as panels during class on the course materials. My expectation is that these opportunities will facilitate your individual participation in our class discussions but also contribute to the preparation of your presentations.

Scheduling

I am open to other suggestions but otherwise, we will proceed on November 14 (during normal class time), with two additional hours either on November 15 or on November 16.

The reflection paper will be due at 4:30 on Wednesday, November 27, the last day of classes.

Evaluation

As explained in the syllabus and as discussed in class, this exercise is worth 30% of the course grade, divided evenly between the mark given to the group as a whole (and to each member of the group) for the presentation and the mark given to each student for their own reflection paper.

Schedule "A"

President, Any Atlantic Canada Province Medical Society
President, Any Atlantic Canada Province Nurses Union
Registrar, Any Atlantic Canada Province College of Physicians
Chief Executive Officer, Any Provincial Capital Health Sciences Centre
Chief Executive Officer, Any Rural Health District Authority
Deputy Minister, Any Atlantic Canada Province Department of Finance
President, Local Chapter, "Save Our Medicare"
President, Association of Long Term Care Facilities
Executive Director, Local Branch of the Canadian Heart and Stroke Foundation
President, Provincial Senior Citizens Association
Chairperson, Provincial Home and School Association
Executive Director, Association of Providers of Alternative Therapies and Holistic Healing
Executive Director, Provincial Immigrant Communities Association
Executive Director, Persons Living With Disabilities Association
President, Eastern Institute for the Promotion of Market Solutions
Executive Director, Chamber of Commerce
Executive Director, Food Bank Society
Chairperson, Provincial Association of First Nation Communities
Chairperson, Provincial Association of Community Health Boards
Chairperson, Poverty Action Network